

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

UNITED STATES,

v.

JEREMY HARE.

Crim. No. 18-588 (RMB)

DECLARATION OF JAMES REISER

I, James Reiser, declare the following under 28 U.S.C. § 1746, and state that under penalty of perjury the following is true and correct to the best of my knowledge and belief:

1. I am currently employed by the Federal Bureau of Prisons ("BOP") of the United States Department of Justice, as a Case Management Coordinator ("CMC"), at the Federal Correctional Institution ("FCI"), Fort Dix, New Jersey. I have been employed by the BOP since January 1998. I have held my current position of CMC for approximately one year but I have worked in Correctional Programs for approximately 18 years.

2. The CMC's Office is dedicated to providing oversight of case management activities within the institution. This office works directly with the unit teams, providing training and disseminating information to ensure that the institution complies with Correctional Programs' policies and procedures. The CMC provides coordination and oversight of many programs within the institution, including, but not limited to, Central Inmate

Monitoring, Financial Responsibility, Admission and Orientation, Inmate Performance Pay, Victim/Witness Program, and Adam Walsh Act compliance. The CMC also oversees the Correctional Systems Department.

3. In response to the pandemic, BOP has taken measures to protect the health of the inmates in its charge and the health of staff. These steps include, but are not limited to the following:

- a. Beginning August 5, 2020, BOP implemented Phase 9 of the Action Plan, which currently governs operations. Only limited group gathering is permitted, with attention to social distancing to the extent possible, to facilitate commissary, laundry, showers, telephone, and computer access. Further, BOP has limited the movement of inmates and detainees among its facilities. While movement is increasing within this phase (although there is now a movement moratorium at FCI Fort Dix which ceases incoming and outgoing inmate movement as discussed below), every institution must have specific quarantine locations for incoming inmates to prevent community spread.
- b. All staff and inmates have been and will continue to be issued an appropriate face covering and mandated to wear the face covering when in public areas where social distancing cannot be achieved.

- c. Every newly admitted inmate, including inmates transferring between BOP institutions, is screened and tested for COVID-19 exposure and symptoms. The newly admitted inmates are placed in a 14-day quarantine and must test negative prior to releasing to general population. Symptomatic or positive inmates are placed in isolation until they test negative for COVID-19 or are cleared by medical staff as meeting CDC criteria for release from isolation. Since June 2020, all BOP facilities, including FCI Fort Dix, must follow the COVID testing guidance implemented by the Bureau of Prisons. See Exhibit 1, COVID Testing for Transferring Inmates.
- d. In areas with sustained community transmission, such as FCI Fort Dix, and at medical centers, all staff are screened, before beginning work each day, for symptoms. Staff registering a temperature of 100.4 degrees Fahrenheit or higher are barred from the facility on that basis alone. If a staff member does not register a temperature but exhibits symptoms consistent with COVID-19, he/she is referred to one of the medical providers at the institution to assess suitability for work that day.
- e. Contractor access to BOP facilities is restricted to only those performing essential services (*e.g.*, medical or mental health

care, religious, etc.) or those who perform necessary maintenance on essential systems. All volunteer visits are suspended absent authorization by the Deputy Director of BOP. Any contractor or volunteer who requires access will be screened for symptoms and risk factors. Any contractor who registers a temperature of 100.4 degrees Fahrenheit or higher will be barred from FCI Fort Dix on that basis alone.

- f. Social and legal visits were stopped as of March 13, 2020, to limit the number of people entering the facility and interacting with inmates. Legal visits have since commenced in a limited manner and only after the attorney has been screened for infection in accordance with the screening protocols in place for prison staff, contractors, and visitors. Similarly, as of October 3, 2020, limited social visiting commenced at FCI Fort Dix in accordance with the recommendations in the Phase 9 Action Plan. Each housing unit had a designated day to visit. However, as further discussed below, all visiting has since ceased at the institution.

4. FCI Fort Dix Low is made up of buildings formerly used as military training and housing. The Low security institution has an East and West Compound, separated by razor wire fencing. Each individual housing unit is a

dormitory-style military barrack. Based on the modified operations described above, inmates generally, with few exceptions discussed below applicable to the general population, do not leave their individual housing units at this time. There is also a minimum security Camp located outside of the fenced in Low facility. The Camp is also subject to the modified operations and exceptions.

5. The Camp has a capacity of approximately 400 inmates, but currently has a population of approximately 135 inmates. The Low facility has a capacity of approximately 4,700 inmates and currently has a population of approximately 2,600 inmates. This reduced population has allowed for better social distancing at the institution.

6. The BOP has implemented COVID Quarantine guidance, which requires the quarantining of incoming and outgoing (releasing or transferring inmates) inmates prior to their movement within FCI Fort Dix. The guidance also requires the testing of inmates into and out of quarantine. See Exhibit 2, COVID Quarantine Guidance. Therefore, any inmate entering FCI Fort Dix or releasing from the institution has been tested a minimum of two times.

7. FCI Fort Dix has designated quarantine and isolation locations throughout the institution. Inmates releasing or transferring are placed into cohorts and are moved to quarantine spaces at least 21 days prior to their scheduled movement. Camp inmates (minimum security) transferring out of the institution are quarantined in another unit. There are also quarantine locations for voluntary surrender inmates and inmates transferring into the institution.

8. Additionally, any time an inmate tests positive for COVID-19 in a housing unit, the positive inmate is moved to an isolation unit, and the other inmates are housed as an “exposure quarantine.” Id.

9. All exposure quarantine inmates are tested for the COVID-19 virus using send-out laboratory tests. Id. Before the housing unit is released from exposure status, all inmates are again tested.

10. Further, inmates in any quarantine or isolation location, do not leave their housing units. Meals and other items, such as Commissary, are brought to the housing units by staff.

11. To minimize the risk of contracting and spreading the virus, staff entering any quarantine/isolation building are required to wear proper Personal Protective Equipment (“PPE”), which they obtain from the Lieutenant’s office. This includes an N-95 mask, face shield/goggles, a gown and gloves. See Exhibit 3, Personal Protective Equipment (PPE) for Quarantine or Isolation instruction.

12. As of January 11, 2021, FCI Fort Dix has a total of 183 COVID-19 positive inmates. A COVID-19 positive inmate is defined as an inmate who has tested positive and has not yet recovered. FCI Fort Dix has a testing policy to test every inmate in quarantine, whether in Intake quarantine, Release quarantine, or Exposure quarantine. Accordingly, thousands of inmates assigned to the institution have been tested for COVID-19, even though the majority were asymptomatic.

13. To date, every general population inmate housed in the following housing units (at the time of possible COVID-19 exposure) has been tested under Exposure quarantine: Units 5802, 5812, 5841, and 5852 (West Compound); Units 5702, 5703, 5711, 5751, 5741, and 5752; and the Camp. Any time an inmate tests positive in a particular housing unit, the positive inmate is removed and the other inmates remain in the unit as an "Exposure quarantine." The only general population unit where every inmate has not been tested is Unit 5811 because no inmates assigned to that unit have tested positive since the start of the pandemic. The remaining housing units (5803, 5851, and 5703) are designated Intake or Transfer/Release quarantine units. As noted above, inmates in those quarantine units are tested upon entrance and release. In all quarantine units, the inmates are medically monitored daily and tested for COVID-19.

14. To date 94 staff have contracted COVID-19 and 68 have recovered.

15. During the week of November 16, 2020, FCI Fort Dix commenced volunteer staff COVID-19 testing, on site at the institution, for asymptomatic staff. See Exhibit 4, Agency Sponsored COVID-19 Testing Memorandum. Symptomatic staff are prohibited from coming to work at the institution and are encouraged to seek treatment from their respective medical providers. Additionally, staff are routinely instructed on where to obtain testing in Burlington County where the institution is located. See Exhibit 5.

16. The Warden implemented additional modifications in the month of October that remain in place to date. These modifications are in addition to the restrictions set forth in Phase Nine of BOP's national Action Plan described above.

17. On October 15, 2020, the Warden canceled all visiting. See Exhibit 6, Notice to Inmates Regarding Visiting. The Warden also modified inmate movement within the institution in mid-October. Now, general population inmates only leave their housing units to obtain grab-and-go meals, attend scheduled medical appointments, and/or attend General Education Degree (GED) classes and scheduled outdoor recreation. A minimal number of inmates are utilized for necessary job functions such as Food Service, Commissary, and Laundry. Any time an inmate moves, it is solely with inmates in his housing unit. As noted above, inmates in quarantine or isolation locations do not leave their quarantine or isolation locations.

18. Additionally, on October 23, 2020, the Warden sought a movement moratorium which would cease incoming and outgoing inmate movement from FCI Fort Dix through November 23, 2020. See Exhibit 7, Memorandum from Warden Ortiz. The moratorium was granted for that period.

19. The Warden sought additional movement moratoriums in December 2020 and January 2021, both of which were granted. See Exhibit 8 and **Exhibit 9**. The January 2021 moratorium specifically ceases all movement until January 26, 2021.

20. The cleaning procedures put in place on March 2020 are still in place and emphasized by the Warden. See Exhibit 10, Pandemic Cleaning Protocols. For example, the Warden sends reminder emails to all staff and consistently discussing the cleaning protocols at staff meetings. To ensure that the pandemic-cleaning protocols at FCI Fort Dix are being followed, the institution duty office monitors the adherence to such protocols on a daily basis.

21. The institution expects to receive the Pfizer COVID-19 vaccine on January 19, 2021. Once received, the vaccine will be administered in accordance with the BOP Clinical Practice Guideline. See Exhibit 11, Clinical Practice Guideline.

22. Jeremy Hare is a low security inmate designated to FCI Fort Dix. Hare is currently serving a thirty-six month sentence for wire fraud. Hare reported on June 4, 2019, and has a projected release date of February 1, 2022

23. Hare has been lodged at FCI Fort Dix's West Compound, Unit 5811, since December 7, 2020. As of January 11, 2021, there are no inmates currently positive for COVID-19 in Unit 5811.

24. Attached hereto, please find true and correct copies of the following documents:

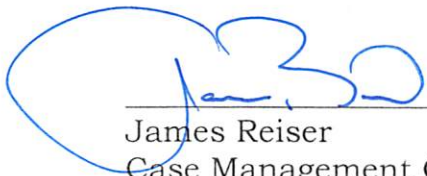
Exhibit 1 – COVID Testing for Transferring Inmates;

Exhibit 2 – Quarantine Guidance;

Exhibit 3 – Personal Protective Equipment guidance;

- Exhibit 4** – Agency COVID-19 testing information;
- Exhibit 5** – Burlington County COVID-19 contact information;
- Exhibit 6** - Notice to Inmates regarding visiting cancelation;
- Exhibit 7** – Moratorium memorandum November 2020;
- Exhibit 8** - Moratorium memorandum December 2020;
- Exhibit 9** - Moratorium memorandum January 2021;
- Exhibit 10** – COVID-19 Cleaning Protocols; and
- Exhibit 11** – Clinical Practice Guideline, COVID-19 Vaccine.

I declare that any and all records attached to this declaration are true and accurate copies maintained in the ordinary course of business by the Federal Bureau of Prisons. I further declare that the foregoing is true and correct to the best of my knowledge and belief, and is given under penalty of perjury pursuant to 28 U.S.C. § 1746.



James Reiser
Case Management Coordinator
FCI Fort Dix

1/12/2021
Date